

# Exhibit 9

mile south of a pond, called *Province Pond*; thence east, eight degrees south, by a spotted line, to an elm tree, spotted near a small frog pond; thence north, eight degrees east, by a spotted line, to the bank of *Great Ossipee* river; thence westerly by the said river to the bounds first mentioned; containing by estimation thirty-six square English miles, be, and hereby is, erected into a town by the name of *Parsonsfeld*; and that the inhabitants thereof be, and they hereby are, vested with all the powers, privileges and immunities, which the inhabitants of towns within this Commonwealth do, or may by law enjoy.

Invested with powers.

*And be it further enacted*, That *Simon Frye*, Esq; be, and he hereby is, empowered to issue his warrant to some principal inhabitant of the said town, requiring him to warn the inhabitants thereof to meet at such time and place as he shall therein set forth, to choose all such officers as towns are by law required and empowered to choose in the month of *March*, annually.

Simon Frye, Esq; to call a meeting.

*Provided always*, That this act shall be so construed, any thing therein to the contrary notwithstanding, as not to affect the claim of this Commonwealth, or other corporate body, or of any private person whatever, to the said tract of land, or any part thereof, if any such claim exists.

Proviso.

*March 9, 1785.*

## 1784. — Chapter 55.

[January Session, ch. 1.]

AN ACT FOR REGULATING AND GOVERNING THE MILITIA OF THE COMMONWEALTH OF MASSACHUSETTS, AND FOR REPEALING ALL LAWS HERETOFORE MADE FOR THAT PURPOSE.

*Chap. 55*

*Whereas the laws now in force, for regulating the militia of the Commonwealth, are found to be insufficient for the said purpose:*

Preamble.

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That the several laws heretofore made for regulating the militia aforesaid, be, and hereby are, repealed.

Laws heretofore made for regulating the militia repealed.

*Provided nevertheless*, That all actions and processes commenced and depending in any Court within this Commonwealth, upon or by force of the said laws, shall,

Proviso.

and may be sustained and prosecuted to final judgment and execution; and that all officers elected, appointed and commissioned agreeably to law, shall be continued in commission, and hold their respective commands in the militia, in the same manner as they would in case the said laws were still in force.

Militia, how  
formed.

*And be it further enacted by the authority aforesaid,* That the said militia shall be formed into a Train Band, and Alarm List: the Train Band to contain all able bodied men, from sixteen to forty years of age, and the Alarm List, all other men under sixty years of age, excepting in both cases such as shall be hereafter by this act exempted.

— to be in four  
divisions.

*And be it further enacted by the authority aforesaid,* That the said militia be, and hereby is formed into four divisions; the counties of *Suffolk, Essex and Middlesex*, composing the first division; the counties of *Hampshire, Worcester and Berkshire*, the second division; the counties of *Plymouth, Barnstable, Bristol, Dukes County and Nantucket*, the third division; and the counties of *York, Cumberland and Lincoln*, the fourth division.

General and  
divisionary staff  
to each of the  
divisions.

*And be it further enacted by the authority aforesaid,* That there shall be a general and divisionary staff to each of the divisions aforesaid, consisting of one Major General, who shall have two aids de camp, a Deputy Adjutant General, who shall also be Inspector, and a Deputy Quarter Master.

Governor with  
advice of Coun-  
cil to form divi-  
sions into bri-  
gades, &c.

*And be it further enacted by the authority aforesaid,* That the Governor, or Commander in Chief, with the advice of Council, be, and hereby is, authorized and empowered to form the said divisions into brigades, regiments and companies; and from time to time to alter and divide such brigades, regiments and companies, as he shall judge expedient. *Provided notwithstanding,* That the several brigades, regiments and companies of militia, shall remain as they are now formed, until new arrangements thereof shall take place.

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Each brigade to  
have a brigadier  
general, &c.

*And be it further enacted by the authority aforesaid,* That there shall be a Brigade General and Staff to each brigade of the militia aforesaid, consisting of a Brigadier General, a Brigade Major, who shall also be sub-inspector, and a Brigade Quarter Master.

Each regiment  
to have a regi-  
mental, field,

*And be it further enacted by the authority aforesaid,* That there shall be a regimental, field, commissioned and non-commissioned staff to each regiment of the militia

aforesaid, consisting of one Colonel, one Lieutenant-Colonel, one Major, one Adjutant, one Quarter Master, one Serjeant Major, one Quarter Master Serjeant, one Drum Major and one Fife Major.

commissioned  
and non-com-  
missioned staff.

*And be it further enacted by the authority aforesaid,* That there shall be one Captain, one Lieutenant, one Ensign, one Clerk, who shall be sworn to the faithful discharge of his duty, four Serjeants, four Corporals, one Drummer and one Fifer, to each company of the said militia. *Provided, notwithstanding,* That in companies where, in pursuance of the law which by this act is repealed, two Lieutenants are in commission, they shall continue to hold their present rank.

Companies to  
have one captain  
&c. Clerk to be  
sworn.

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*And be it further enacted by the authority aforesaid,* That the Governor, or Commander in Chief, shall appoint the Deputy Adjutant General; the Major Generals shall appoint the Deputy Quarter Masters of their respective divisions; the Brigadier Generals shall appoint the Quarter Masters of their respective brigades; the Colonels shall appoint the Serjeant Majors, Quarter Master Serjeants, Drum Majors and Fife Majors of their respective regiments; and the Captains shall appoint the non-commissioned officers of their respective companies.

Deputy Adju-  
tant General,  
Deputy Qua-  
Masters, &c. by  
whom ap-  
pointed.

*And be it further enacted by the authority aforesaid,* That the Adjutant General shall be commissioned with the rank of Brigadier General, the Deputy Adjutant Generals with the rank of Colonels, and the Aids de Camp and Brigade Majors with the rank of Majors; the Adjutants shall be commissioned with the rank of first Lieutenant, and the Serjeants shall each receive a warrant from the Colonel of the regiment to which they shall belong.

Adjutant Gen.  
Deputy Adj.  
General, &c.  
their rank.

*And be it further enacted by the authority aforesaid,* That each and every Major General be, and hereby is, empowered and it shall be his duty to give all such orders as shall from time to time be necessary, consistent with the law, for electing Brigadier Generals, Field Officers, Captains and Subalterns, in brigades, regiments and companies, within his respective division, which have not been already commissioned; and for filling up vacancies of such officers, or any of them, where they now are, or may hereafter happen. *Provided always,* That whenever a time shall be appointed for the election of any officer or officers, the electors shall have ten days notice thereof at least; and all returns of elections, and of neglects or

Major Generals,  
their duty.

Proviso.

refusals to make choice of officers, shall be made to the Governor, by the Major General, in whose division the election shall be ordered; and all commissions shall pass through the hands of the Major Generals to the officers, in their respective divisions, for whom they shall be made out; and every person who shall be elected to any office in the said militia, and shall not within ten days after he shall have been notified of his election, signify his acceptance thereof, shall be considered as declining to serve in such office, and orders shall be forthwith issued for a new choice.

Persons elected to the offices aforesaid to be sworn, &c.

*And be it further enacted by the authority aforesaid,* That every person who shall be elected or appointed to any of the offices aforementioned, shall, at the time of receiving his commission, take and subscribe the oath and declaration required by the constitution of this Commonwealth, before some Justice of the Peace, or some general or field officer, who shall have previously taken and subscribed them himself; and a certificate thereof shall be made upon the back of every commission, by the Justice of the Peace, or general or field officer, before whom the said oath and declaration shall have been taken and subscribed.

Non-commissioned officers and soldiers to equip themselves with arms and accoutrements.

*And be it further enacted by the authority aforesaid,* That every non-commissioned officer and private soldier of the said militia not under the controul of parents, masters or guardians, and being of sufficient ability therefor in the judgment of the Selectmen of the town in which he shall dwell, shall equip himself, and be constantly provided with a good fire arm, with a steel or iron ramrod, a spring to retain the same, a worm, priming wire and brush, a bayonet fitted to his fire arm, and a scabbard and belt for the same, a cartridge box that will hold fifteen cartridges at least, six flints, one pound of powder, forty leaden balls suitable for his fire arm, a haversack, blanket and canteen; and if any non-commissioned officer or private soldier shall neglect to keep himself so armed and equipped, he shall forfeit and pay a fine not exceeding Three pounds, in proportion to the value of the article or articles in which he shall be deficient, at the discretion of the Justice of the Peace before whom trial shall be had.

Fine for non-equipment.

Parents, masters and guardians to equip those

*And be it further enacted by the authority aforesaid,* That all parents, masters and guardians, shall furnish those of the said militia who shall be under their care



and command, with the arms and equipments aforementioned, under the like penalties for any neglect.

*And be it further enacted by the authority aforesaid,* That whenever the Selectmen of any town shall judge any inhabitant thereof, belonging to the said militia, unable to arm and equip himself in manner as aforesaid, they shall, at the expence of the town, provide for and furnish such inhabitant with the aforesaid arms and equipments, which shall remain the property of the town at the expence of which they shall be provided; and if any soldier shall embezzle or destroy the arms and equipments, or any part thereof, with which he shall be so furnished, he shall upon conviction before some Justice of the Peace in the county where such offender shall live, be adjudged to replace the article or articles which shall be by him so embezzled or destroyed, and to pay the cost arising from the process against him; and in case he shall not within fourteen days after such adjudication against him perform the same, it shall be in the power of the Selectmen of the town to which he shall belong, to bind him out to service or labor, for such term of time as shall, in the discretion of the said Justice, be sufficient to procure a sum of money equal to the amount of the value of the article or articles embezzled or destroyed, and to pay the cost arising as aforesaid.

*And be it further enacted by the authority aforesaid,* That every captain or commanding officer of a company, shall call the Train Band of his company together four days in a year, and oftener if he shall judge necessary, not exceeding six days in the whole, for the purpose of examining their arms and equipments, and instructing them in military exercises; and shall also once in a year, on a day when he shall muster the Train Band of his company, call together the Alarm List belonging to his company, within the limits of the town of which they shall be inhabitants, for the purpose of examining their arms and equipments

*And be it further enacted by the authority aforesaid,* That when any captain or commanding officer of a company shall think fit to muster or call his company together, he shall issue his orders therefor to one or more of his non-commissioned officers, if he shall have any, otherwise to one or more of the private soldiers belonging to his company, directing him or them to notify and warn the said

under their care  
under the like  
penalties.

Persons unable  
to equip them-  
selves to be pro-  
vided by the  
town.

Soldiers embez-  
zling or destroy-  
ing their arms  
&c. furnished  
them, how pun-  
ished upon con-  
viction.

In case.

Officers to call  
together the  
train band four  
days in a year  
and the alarm-  
list once a year.

Manner of call-  
ing together  
militia compa-  
nies.

company to appear at such time and place as shall be appointed, and with such arms and equipments as shall be mentioned in the said orders; and the non-commissioned officer or officers, or other person or persons who shall receive such orders, shall give notice of the time and place appointed for, and of the arms and equipments to be carried to the said muster, to each and every person he or they shall be ordered to warn, either verbally or by leaving a written notification thereof at the usual place of abode of the person thus to be notified and warned; and no notice shall be deemed legal for musters for the purpose of common and ordinary military exercises, unless it shall be given four days at least previous to the time appointed therefor; and every non-commissioned officer or other person who shall neglect to give the said notice and warning when ordered thereto, by the captain or commanding officer of the company to which he shall belong, shall, for such offence, forfeit and pay a sum not exceeding Forty shillings, nor less than Twenty shillings, at the discretion of the Justice of the Peace, before whom trial shall be had.

Penalties for neglect of duty and misbehaviour in non-commissioned officers and privates.

*And be it further enacted by the authority aforesaid,* That every non-commissioned officer and private soldier belonging to the Train Band, and every person belonging to the Alarm List, who, being duly notified of the time and place appointed for the muster of the company to which he shall belong, shall unnecessarily neglect to appear armed and equipped as the captain or commanding officer shall direct, shall pay a fine of ten shillings; and every non-commissioned officer and private soldier of the Train Band, and every person belonging to the Alarm List, who shall be disorderly or disobedient on a muster day, shall be confined during the time of said muster at the discretion of his officers, and shall pay a fine not exceeding Forty shillings, nor less than Twelve shillings, at the discretion of the Justice of the Peace to whom complaint shall be made. *Provided nevertheless,* That when any non-commissioned officer or private soldier belonging to the Train Band, or any other person belonging to the Alarm List, shall neglect to appear on a muster day when notified as aforesaid, and shall within eight days thereafter make application to the captain or commanding officer of the company to which he shall belong, and obtain the excuse of the said captain or commanding officer, or shall

Proviso.

pay him the aforesaid fine of ten shillings, and shall procure a certificate thereof, in every such case he shall be barred against any action or suit for such offence.

*And be it further enacted by the authority aforesaid,* That the testimony of any non-commissioned officer or other person, under oath, who shall have received orders agreeably to law for notifying and warning any company, or a part thereof, to appear at a time and place appointed for a muster, shall be sufficient to prove that due notice shall have been given to the party against whom complaint may be made, unless such testimony shall be invalidated by other sufficient evidence.

Testimony of non-commissioned officers and other persons under oath sufficient to prove due notification.

Unless.

*And be it further enacted by the authority aforesaid,* That when any person belonging to the Train Band or Alarm List, shall, by neglect of duty by not appearing on muster days, or by not being provided with arms and equipments as this law directs, or by disobedience of orders, or by disorderly behaviour, forfeit any sum of money set and affixed by this law to such offences, or either of them, under the sum of four pounds, the same shall be recovered in manner following, *that is to say,* The clerk of the company to which the offender shall belong, shall after the expiration of eight days, and within sixty days after the offence shall be committed, make complaint thereof, and of all matters of substance and material circumstances attending the same, to some Justice of the Peace in the county where such offender shall live, who shall make a record thereof, and shall issue a summons to the party complained of, to be served seven days at least before the time appointed for the trial, in the form following, *mutatis mutandis*.

Persons neglecting duty — forfeiture.

How recovered.

[SEAL.]

ss.

*To the Sheriff of the said County, or his Deputy, or any or either of the Constables of the Town of within the same County,*

GREETING.

In the name of the Commonwealth of *Massachusetts*, you are hereby required to summon *C. D.* of in the county of to appear before me *E. F.* one of the Justices of the Peace for the county aforesaid, at in on the day of at of the clock in the noon; then and there to shew cause, if any he has, why a warrant of distress shall not issue against him for [here insert the complaint] Hereof fail

Form of a summons.



not, and make due return of this writ and of your doings therein, unto myself, at or before the said day of

. Dated at aforesaid, the day of in the year of our LORD,

E. F. Justice of the Peace.

Party appearing may plead the general issue &c. and if defaulted and shall neglect to satisfy the judgment then in this case.

And when the said party shall by himself, or his attorney, appear accordingly, he may plead the general issue and give any special matter in evidence; and if the said party shall make default, or if judgment shall be given against him, and he shall neglect for four days thereafter to satisfy the same, and legal costs, then the Justice of the Peace before whom the trial may be had, shall issue his warrant of distress, under his hand and seal, in the form following, *mutatis mutandis*.

[SEAL.]

ss.

*To the Sheriff of the said County, or his Deputy, or any or either of the Constables of the Town of within the same County,*

GREETING.

Form of a warrant of distress.

Whereas C. D. of upon the day of being a private soldier in the Train Band (as the case may be) of the company of foot commanded by in the regiment of militia in the said county of , commanded by , was duly notified to appear upon the day of , in the town of in the county aforesaid, with his arms and equipments, as the law of this Commonwealth directs; and the said C. D. in violation of the said law, did unnecessarily neglect to appear, (or did not appear armed and equipped, as the case may be) whereby he hath forfeited and ought to pay the sum of shillings, to the uses directed by law: And the said C. D. having been duly summoned to appear before me E. F. one of the Justices of the Peace for the county aforesaid, to shew cause, if any he had, why a warrant of distress should not be issued for the same sum, did not appear, (or appearing, did not shew sufficient cause why the same warrant should not be issued, as the case may be):

In the name of the Commonwealth of *Massachusetts*, you are therefore commanded forthwith, of the goods or chattels of the said C. D. within your precinct, to levy by distress and sale thereof the aforesaid sum of shillings, with for charges of suit, being in the

whole the sum of                      and to pay the same to clerk of the aforesaid company; and also of the goods and chattels of the said *C. D.* to levy                      for this writ, together with your own fees, and for want of such goods or chattels of the said *C. D.* to be by him shewn to you, or found within your precinct, you are commanded to take the body of the said *C. D.* and him commit to the common goal in                      in the county aforesaid; and the keeper thereof is hereby commanded to receive the said *C. D.* into the said goal, and him safely keep until he shall pay the sum aforesaid, together with legal fees and costs, or until he shall be otherwise discharged by order of law; and you are to make return of this warrant with your doings therein, unto myself, within twenty days next coming, for which this shall be your sufficient warrant. Hereof fail not. Given under my hand and seal, the                      day of                      in the year of our LORD,                      .

*E. F.* Justice of the Peace.

*Provided always,* That when any person shall appear before the Justice of the Peace upon notification as aforesaid, and shall claim an appeal to the Court of Common Pleas next to be holden in the same county, to which he shall be and hereby is entitled, the same shall be granted upon his recognizing with sureties to prosecute his appeal, and to pay whatever fine, costs and fees, shall be adjudged against him at the same Court, which recognizance shall be taken to the clerk of the company to which such appellant shall belong, and shall be acknowledged before and certified by the Justice of the Peace in the same manner as recognizances are in appeals from Justices of the Peace in other cases; and no appeal shall be allowed from the said Court of Common Pleas. Proviso.

*And be it further enacted by the authority aforesaid,* That if judgment shall be rendered against such appellant in such Court of Common Pleas, the judgment shall be three times the sum of the fine set and affixed in this act, with additional costs. Judgment rendered against appellants to be treble the sum with costs.

*And be it further enacted by the authority aforesaid,* That all sums of money that shall be forfeited and recovered as aforesaid, shall be disposed of one moiety to the clerk, who shall recover the same, and the other moiety to the captain of the company to which the offender shall belong, in trust for the use of the said company. Fines — how disposed of.

Fees — how and by whom taxed.

*And be it further enacted by the authority aforesaid,*  
That in all cases to be determined as aforesaid, the Justices of the Peace and the Courts of Common Pleas, before whom the same shall be, shall severally tax the same fees as in actions between party and party in other cases.

Regiment to muster either in regiment or battalion once in every year.

*And be it further enacted by the authority aforesaid,*  
That every regiment of the Train Band aforesaid shall muster either in regiment or battalion once in every year, at least, on such day and at such place as the colonel or commanding officer shall appoint.

On regimental musters, how companies are to form.

*And be it further enacted by the authority aforesaid,*  
That at a regimental muster the several companies composing the regiment shall form in regiment or battalion, according to the rank of the officers present commanding them, in order that the companies may in all cases be under the immediate command of their own officers.

Return to be made by the Maj. Gen.

*And be it further enacted by the authority aforesaid,*  
That each Major General shall make a return of the division under his command to the Adjutant General, on or before the first day of *June*, annually, specifying the number of officers and soldiers, distinguishing the Train Band from the Alarm List, and the state of their arms and equipments; and the Adjutant General shall digest the whole into a general return, and present the same to the Commander in Chief.

General return to be made by the Adj. Gen.

Adj. Gen. &c. to prefer their accounts for services by the General Court.

*And be it further enacted by the authority aforesaid,*  
That the Adjutant General, Deputy Adjutant Generals and Brigade Majors, shall prefer their accounts for services performed in the execution of their duty, with proper vouchers and certificates, to the General Court for allowance and payment.

Commissioned officers accused of unmilitary conduct to be tried by a general court martial.

*And be it further enacted by the authority aforesaid,*  
That every officer holding a commission in the said militia, who shall be accused of any unmilitary conduct, either in neglect of duty, disobedience of orders, or in any other manner, shall be liable to be tried by a general court martial, and if found guilty by such Court, to be thereby sentenced to be reprimanded by the President thereof, or to be removed from his office.

How many officers court martials are to consist of.

*And be it further enacted by the authority aforesaid,*  
That no general court martial shall consist of a less number than thirteen commissioned officers, the President of which shall not be under the rank of a field officer.

*And be it further enacted by the authority aforesaid,*  
That the Commander in Chief shall appoint courts martial for the trial of Major Generals; Major Generals shall appoint them for the trial of Brigadier Generals, within their respective divisions; and Brigadier Generals shall appoint them for the trial of field officers, and officers of rank inferior to that of field officers, within their respective brigades; and no officer who shall appoint a court martial shall himself be President thereof; nor shall any sentence of a court martial for the removal of any officer from his office be put in execution until it shall have been approved of by the Commander in Chief.

Court-martials,  
by & for whom  
appointed.

Sentence — to be  
approved of by  
the Commander  
in Chief.

*And be it further enacted by the authority aforesaid,*  
That the officer who shall appoint a court martial shall at the same time appoint a suitable person for a Judge Advocate; and all officers to be tried by a court martial shall have seasonable notice of the time and place appointed for trial, and a copy of the charges exhibited against him, and shall be put under arrest so far as to be suspended from the exercise of his office; and in case any officer, for the trial of whom a court martial shall be appointed, shall neglect to appear and make defence, he shall be deemed by the said Court guilty of the charge, and shall be sentenced accordingly.

Judge Advocate,  
by whom ap-  
pointed.

Delinquents to  
be arrested.

In case.

*And be it further enacted by the authority aforesaid,*  
That all persons shall be holden to appear and give evidence before any court martial (under the same penalties for neglect as are by law provided for witnesses in other cases) when thereto summoned by any Justice of the Peace, who is hereby authorized to summon such witnesses in the county to which he shall belong; and no fee shall be required by the Justice of the Peace for such service.

Evidence — how  
summoned.

*And be it further enacted by the authority aforesaid,*  
That all the members constituting a court martial shall, previously to their proceeding to the trial of any officer, and all the witnesses previously to their giving evidence, be sworn by the Judge Advocate; and the Judge Advocate shall be sworn by the President of the said court-martial.

Members con-  
stituting court  
martials, and  
witnesses — by  
whom sworn.

*And to the intent that ample provision be made for the defence of the Commonwealth under every circumstance:*

*Be it further enacted by the authority aforesaid,* That the Governor, with the advice of Council, be, and hereby is empowered to raise, by voluntary enlistment, nine

Artillery com-  
panies, by  
whom raised.



Number of men  
companies are  
to consist of.

To be form'd in-  
to two regiments  
properly  
officer'd.

Subject to the  
same regula-  
tions as the  
train-band.

Companies to be  
provided with 2  
field-pieces, &c.

Cavalry — by  
whom raised.

How many each  
squadron to  
consist of.

To be form'd in-  
to a regiment.

companies of Artillery in the first division of the said militia, six companies in the second division, three companies in the third division, and three companies in the fourth division of the militia aforesaid; each company to have one Captain, one Captain Lieutenant, one first Lieutenant, two second Lieutenants, four Serjeants, the first of whom shall be the clerk, four Bombardiers included in rank and file, one Drummer, one Fifer, and twenty-five Cannoniers; and to form the said companies into two regiments, each of which shall have a field commissioned and non-commissioned staff, consisting of one Colonel, one Lieutenant Colonel, one Major, one Adjutant, one Quarter Master, one Serjeant Major, one Quarter Master Serjeant, one Drum Major, and one Fife Major.

*And be it further enacted by the authority aforesaid,* That the non-commissioned officers and private soldiers belonging to the said corps of Artillery shall be armed and equipped in the same manner as the Train Band of the said militia are in this act directed to arm and equip themselves.

*And be it further enacted by the authority aforesaid,* That each of the said companies of artillery shall be provided and furnished, at the expence of the Commonwealth, with two good field pieces, with apparatus compleat, an ammunition cart, forty rounds of iron shot, twenty rounds of cannister shot, and sixty rounds of powder in flannel cartridges; which quantity of ammunition shall be increased whenever the Governor or commander in chief may judge the safety of the Commonwealth shall require it; and the captains of the said companies of Artillery shall give their receipts for the ammunition and other articles with which the companies under their command shall be so provided, and be accountable for the same.

*And be it further enacted by the authority aforesaid,* That the Governor, with the advice of Council, be, and hereby is impowered to raise, by voluntary inlistment, three squadrons of Cavalry in the first division, and two squadrons of Cavalry in the second division, and one in each of the other divisions of the militia aforesaid; each squadron to consist of two troops, and each troop to have one Captain, two Lieutenants, one Cornet, four Serjeants, the first of whom shall be the clerk, one Trumpeter and thirty-four Privates; and to form the same into a regiment which shall have a field commissioned and non-



commissioned staff, consisting of one Colonel, one Lieutenant Colonel, one Major, an Adjutant, a Quarter Master and a Trumpet Major.

*And be it further enacted by the authority aforesaid,* That every officer, non-commissioned officer and private, belonging to the said Cavalry, shall keep himself provided with a good horse not less than fourteen hands and an half high, a saddle, bridle, holsters, pistols, sword, boots and spurs, a carbine with a spring and sling, a cartridge box, with twelve rounds of cartridge and ball for his carbine and six for each pistol, nine flints, a cloak and canteen.

Officers and privates to be provided with good horses, &c.

*And be it further enacted by the authority aforesaid,* That the officers of the said corps of Artillery and Cavalry shall be elected, appointed and commissioned, in the same manner as officers of the Train Band, in the said militia are elected, appointed and commissioned.

Officers — how elected.

*And be it further enacted by the authority aforesaid,* That the officers, non-commissioned officers and privates, belonging to the said corps of Artillery and Cavalry, shall be subject to the same rules and regulations as are by this act provided for the Train Band in the militia aforesaid; and the several companies belonging to the said corps shall be subject to the immediate orders of the Major General commanding the division within which the same shall be raised.

Subject to the same rules, &c. as the train band in the militia.

*And be it further enacted by the authority aforesaid,* That the Colonels or commanding officers of the said Artillery and Cavalry shall make return in time and manner as this act directs for the militia at large.

*And be it further enacted by the authority aforesaid,* That Justices of the Courts of Common Pleas, Judges of Probate, Justices of the Peace, sheriffs, elders and deacons of churches, church wardens, masters of arts, persons who have by commission under any government or Congress, or by election in pursuance of any Congress of the United States, or either of them, held the office of a subaltern or officer of higher rank, persons while actually employed as masters of vessels of more than thirty tons burthen, constables and deputy sheriffs, and also such physicians, surgeons, stated school masters, ferrymen and millers, as the Selectmen of the towns to which they shall severally belong, shall, by a writing under their hands, signify the expediency of exempting, shall

Persons exempt from the train band.

be, and hereby are exempted from the Train Band aforesaid.

Persons exempt  
from the train-  
band & alarm-  
list.

*And be it further enacted by the authority aforesaid,*  
That the Lieutenant Governor, members of the Council, Senate, and House of Representatives, members of Congress, the Secretary of the Commonwealth, Justices of Supreme Judicial Court, selectmen for the time being, ministers of the gospel, grammar school masters, the officers and students of Harvard College, the denomination of Christians called Quakers, negroes, Indians and mulattoes, shall be, and hereby are exempted from both the Train Band and Alarm List aforesaid.

Towns to be  
provided with  
gun-powder, &c.

*And be it further enacted by the authority aforesaid,*  
That each town within this Commonwealth shall be constantly provided with one barrel of gun powder, containing one hundred weight, three hundred weight of leaden balls of various sizes, and three hundred flints, for every sixty soldiers in the Train Band, and the same proportion for any greater or smaller number.

Towns neglect-  
ing to provide —

Penalty.

How recovered.

*And be it further enacted by the authority aforesaid,*  
That every town which shall neglect to keep constantly provided with the stock of ammunition aforesaid, shall forfeit and pay, to the use of the Commonwealth, the sum of Five pounds, to be recovered by presentment in the Court of General Sessions of the Peace, in the county to which such town shall belong; and it shall be the duty of Grand Jurors to make enquiry and cause to be presented such town or towns as shall be guilty of such neglect.

Detachments  
ordered from  
the militia —

In case of  
neglect.

Penalty.

Fines, how  
applied.

*And be it further enacted by the authority aforesaid,*  
That whenever the Governor or Commander in Chief shall order a detachment from the militia aforesaid, and any person who shall be detached in obedience of such orders, being duly notified thereof and ordered to march to the place of rendezvous, shall neglect or refuse to obey such order, or shall not within twenty-four hours after he shall have been notified as aforesaid, pay a fine of ten pounds to the captain or commanding officer of the company to which he shall belong, or procure an able bodied man in his stead, such person shall be considered as a soldier in such detachment, and be dealt with accordingly; and in all cases where the said fine shall be paid, the same shall be applied to hiring men for any service which shall be required of the company under the command of the captain or officer who shall receive the same.

*And be it further enacted by the authority aforesaid,*  
 That the denomination of Christians called Quakers, Quakers exempt from duty.  
 although exempted by this act from personal military services, shall be subject nevertheless to pay their proportion of all expences for raising men for the public defence ; To pay their proportion of expences in raising men.  
 and the same shall be assessed upon them by the assessors of the towns to which they shall belong, according to the rules prescribed by law for making other assessments, and shall be collected in the same manner as other taxes are collected ; and the money which shall be so collected shall be paid into the public treasury for the use of the Commonwealth ; and the assessors of towns in which the said assessments are by this law required, shall within ten days after orders shall be received by the military officers for raising men, assess the same, and commit a list or lists thereof to some collector or collectors of the town, with sufficient warrant to collect the same ; and within twenty days after such assessment, shall also make a return to the Treasurer of the Commonwealth, specifying the sum or sums by them assessed, and the collector or collectors to whom the assessment shall be committed : and assessors and collectors shall perform the said services under like penalties for neglect as the law provides in other cases.

By whom assessed.

*And be it further enacted by the authority aforesaid,*  
 That the Governor, with advice of Council, be, and hereby is empowered to appoint a suitable person to the office of Quarter Master General, who shall be holden to perform the duties incident to his office, and shall receive compensation therefor upon exhibiting his accounts, properly vouched and certified, to the General Court.

Qua. M. Gen. by whom appointed.

*And be it further enacted by the authority aforesaid,*  
 That the Governor, with the advice of Council, be, and hereby is empowered to appoint a Deputy Commissary for each division of the militia aforesaid, who shall be sworn to a faithful discharge of the duties of his office ; and shall be accountable to, and obey the orders of the Commissary General of this Commonwealth, in all matters respecting his office.

Dep. Com. Gen. by whom appointed.

*And be it further enacted by the authority aforesaid,*  
 That whenever the militia, or any part thereof, of any town within this Commonwealth, shall be ordered to march for the immediate defence of this or any of the United States of America, each officer and soldier shall provide and take with him three days provisions, unless

Officers and soldiers to be provided with three days provisions in certain cases.

Unless —

Selectmen to cause carriages to attend with provisions, &c.

otherwise ordered; and the selectmen of such town shall cause carriages to attend them with further necessary provisions and camp utensils, and shall continue to forward to the Commissary, or Deputy Commissary, sufficient supplies for the men marched from their respective towns, until notice shall be given to them by the Commissary or Deputy Commissary to desist.

Selectmen to lay their accounts before the General Court.

And the selectmen who shall so furnish supplies, shall lay their accounts with proper certificates of the provisions supplied by them, and of the expences incurred therefrom, before the General Court for allowance and payment.

March 10, 1785.

## 1784. — Chapter 56.

[January Session, ch. 23.]

**Chap. 56** AN ACT FOR TAKING AWAY THE BENEFIT OF CLERGY IN ALL CASES WHATSOEVER, AND DIRECTING ADEQUATE PUNISHMENT FOR THE CRIMES WHERE THE SAME USED TO BE ALLOWED.

Preamble.

*Whereas the plea of benefit of clergy, though it was originally founded in superstition and injustice, yet by long usage and the humanity of criminal law is so interwoven with it, as to become very essential in its present system; but forasmuch as the operation of it consists only in the mitigation of the punishment for those crimes where it is allowed, which in most cases operates very inadequately and disproportionately, and for which more adequate remedies may be provided:*

Benefit of clergy not allowed after the publication of this act, except.

*Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the publication of this law, the plea of benefit of clergy shall not be used or allowed in any cause whatsoever, unless in the prosecution for crimes committed before the passing this act, for which the said plea of benefit of clergy would have then been allowed.*

Punishment for crimes where the same used to be allowed.

*And be it further enacted by the authority aforesaid, That if any person shall be convicted of any crime wherein by law the plea of benefit of clergy was heretofore allowed, and for which, without such benefit of clergy, he must have been adjudged to suffer the pains of death, such person shall be set upon the gallows for the space of one hour, with a rope about his neck, and the other end thereof*